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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/683,726

10/10/2003

Yen-Shuo Yang

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PITNEY HARDIN LLP

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NEW YORK, NY 10036-7311

EXAMINER

HWANG, VICTOR KENNY

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,726

Applicant(s)

YANG, YEN-SHUO

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20060606</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dehmann* (WO 93/16762) in view of *Brown* (US Pat. 6,582,264 B2). *Dehmann* discloses a water trampoline comprising a tumbling unit 1 mounted to a floating body 2. The tumbling unit includes a bed frame 5,8, a tumbling mat 6, and a plurality of elastic members 13 connecting the tumbling mat to the bed frame. The bed frame 5 is shown in the drawings as rectangular in shape, but may be square, round or oval (page 4, lines 23-29). The floating body 2 may comprising a plurality of floating members 9 that are releasably secured together (page 5, lines 32-35, page 8, lines 5-9, and claim 17) around the bed frame 5. The floating members appear to be of square ball shape. Note, a ball shape is not considered by the Examiner to require a spherical shape. A ladder 4 is positioned on the side of the water trampoline and depends below the floating members 9 to permit a person to mount the tumbling unit 1 from within the water (Fig. 1).

Dehmann does not disclose that a rope assembly interconnects the floating members (claim 1).

Brown discloses water trampoline comprising a tumbling unit including a bed frame 34 and a tumbling mat 78 connected to the bed frame; a plurality of floating members 14 connected

to and mounted independently around the bed frame; and a rope assembly 28 interconnecting the floating members. The rope assembly 28 prevents the floating members 14 from separating away from each other (col. 2, lines 29-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a rope assembly to interconnect the releasably secured together floating members of *Dehmann*, since *Brown* teaches that a rope assembly prevents a plurality of floating members of a water trampoline from separating away from each other.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dehmann* (WO 93/16762) in view of *Brown* (US Pat. 6,582,264 B2) as applied to claim 1 above, and further in view of *Boyle et al.* (US Pat. 2,764,766). *Dehmann* in view of *Brown* discloses the invention as claimed except for the ladder being attached to one of the floating members (claim 2) by two positioning units connected to the ladder and mounted to the one of the floating members for suspending the ladder from the one of the floating members (claim 3). *Dehmann* in view of *Brown* is silent as to how the ladder 4 is mounted to the side of the water trampoline.

Boyle et al. discloses floating members 10,11 having a ladder attached thereto by pairs of positioning units 43 mounted on the floating members for suspending the ladder therefrom. The positioning units 43 are anchorage patches to which the ladder is anchored.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide one of the floating members adjacent the ladder 4 of *Dehmann* in view of *Brown* with two positioning units to connect to the vertical stiles, since *Boyle et al.*

discloses that floating members are provided with anchoring positioning units to securely hold a ladder thereto to permit a user to climb the ladder.

4. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dehmann* (WO 93/16762) in view of *Brown* (US Pat. 6,582,264 B2) as applied to claim 1 above, and further in view of *Goldwitz* (US Pat. 6,599,221 B1). *Dehmann* in view of *Brown* discloses the invention as claimed except for the bed frame being annular, composed of a first and second curved rods, and a connector for pivotally interconnecting the first and second curved rods so that the first and second curved rods are foldable over each other (claim 8); each of the first and second curved rods has a plurality of rod sections that are interconnected detachably (claim 9); and the connector has a U-shaped pivot plate straddling and fixed to one end of one of the first and second curved rods, a fixed pin, and a removable pin, one end of the other one of the first and second curved rods extending into the pivot plate, the fixed and removable pins extending in parallel through the pivot plate and one end of the other one of the first and second curved rods, the removable pin being removable from the pivot plate and the other one of the first and second curved rods to permit folding of the first and second curved rods over each other (claim 10).

Goldwitz discloses a trampoline frame that is foldable for transportation and/or storage. The frame is annular in shape and composed of first and second curved rods 16,18. Each curved rod is composed of a plurality of smaller curved sections that are interconnected detachably by cotter pins or a nut and bolt. The first and second curved rods have ends that are joined by a connector 22. The connector comprises a U-shaped pivot plate 40 to which the ends of the first

and second curved rods are pivotally connected. Fixed pins 48 and removable pins 46 permit the first and second curved rods to fold over each other.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the water trampoline of *Dehmann* in view of *Brown* with the foldable annular trampoline frame of *Goldwitz*, in order to provide a trampoline frame that is foldable for ease in transporting and storage as taught by *Goldwitz* (col. 1, lines 11-14), and since *Dehmann* discloses that the water trampoline may have a round shape (page 4, lines 20-29).

Allowable Subject Matter

5. Claims 4, 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claim 4, the prior art does not disclose an anchor unit connected to a floating member spaced from the ladder at an angular distance of 180 degrees. The prior art water trampolines disclose anchors that are generally located directly beneath the center of the water trampoline.

With regard to claims 5 and 7, the prior art does not disclose floating members having an upper ear member connected to the bed frame and a lower ear member opposite the upper ear member.

7. The following claim drafted by the examiner and considered to distinguish patentably over the art of record in this application, is presented to applicant for consideration:

1. (Currently Amended) A water trampoline comprising:
a tumbling unit including a bed frame, a tumbling mat, and a plurality of elastic members connecting said tumbling mat to said bed frame;
a plurality of floating members detachably connected at an upper end thereof to and mounted independently around a perimeter of said bed frame; and
a rope assembly interconnecting said floating members at a lower end thereof,
wherein any one of said plurality of floating members may be detached for replacement or repair while the water trampoline is prevented from submerging by the remaining floating members.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Maxwell (US Pat. 3,047,294), *Roth* (US Pat. 4,598,904), *Fisher* (US Pat. 4,644,892), *Boyd et al.* (US Pat. 5,299,989), *Turner* (US Pat. 5,385,518), *Sass* (US Pat. 5,810,695), *Peterson* (US Pat. 6,447,426 B2), *Clark* (US Pat. 6,508,682 B1), *Wang et al.* (US Pat. Pub. 2005/0148433 A1), *Boyd et al.* (EP 0 473 445 A1) and *Zoltan* (FR 2 698 792 A1) disclose various water trampolines having features relevant to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
June 6, 2006